

CA20N
OM
- A56



Government
Publications

“I’ve been unable
to resolve this
problem I have with
the provincial Ministry.
I think their decision
was unfair.
Now where can I
get help?”



Do you feel you were treated unfairly by the Ontario government, or one of its offices, agencies or representatives? Did the decision, action or lack of action directly affect you, or your group? Have you tried other ways to resolve it, including appeals? Then come to Ombudsman Ontario. Our service is free. It’s confidential. It’s impartial. It’s your right by law, and we encourage you to use it. With Ombudsman Ontario, you have a last resort. Our office will look at all the facts. Often, we can suggest ways to improve things for you as well as others for the future. Ombudsman Ontario tries to make sure the way our government works is fair and reasonable. That’s why we’re here.



OMBUDSMAN ONTARIO
ANNUAL REPORT 1995 / 1996



OMBUDSMAN
ONTARIO

June 17, 1996

Hon. Allen K. McLean
Speaker
Legislative Assembly
Province of Ontario
Queen's Park

Dear Mr. Speaker:

I am pleased to submit to you my Annual Report for the period of April 1, 1995 to March 31, 1996, pursuant to Section 11 of the Ombudsman Act so that you might cause it to be laid before the Assembly.

Yours sincerely,

Roberta L. Jamieson
Ombudsman

Roberta L. Jamieson
125 Queen's Park
Toronto, Ontario M5S 2C7
Telephone: (416) 596-5300
Facsimile: (416) 596-5485
TTY: (416) 596-5510
1800-263-5830 (English)
416-596-5820 (French)

CONTENTS

- 1 Message from the Ombudsman
- 4 The New Ombudsman
- 6 Statistical Highlights
- 8 Case Studies
- 14 Public Education
- 15 Mailbag
- 16 Financial Statement
- 17 Presentations

OMBUDSMAN ONTARIO *will strive to ensure*

that people are served justly, equitably &

fairly by Ontario governmental organizations.



What does our logo mean?

This is the symbol for Ombudsman Ontario. The "O" stands for our name. Inside, three sets of arms are coming together: one each for the public, the government and our office.

MISSION STATEMENT

IN STRIVING TO ACHIEVE OUR VISION, Ombudsman Ontario is committed to the following goals for fairness and service:

- Investigate and resolve complaints efficiently;
- Deliver relevant, timely, impartial and accessible services;
- Foster objective standards of governmental administration;
- Act as a resource to governmental organizations and the public to prevent future complaints;
- Increase public awareness of Ombudsman Ontario's services;
- Be ethical and accountable;
- Encourage teamwork through consultation and communication;
- Monitor and evaluate our organizational performance;
- Realize individual potential through pro-active human resource practices.

Ombudsman Ontario is committed to the creation of equity in service provision, compensation and employment.



MESSAGE FROM THE OMBUDSMAN

THE OMBUDSMAN'S ROLE IS TO ADJUST THE DELICATE BALANCE BETWEEN THE GOVERNMENT AND THE GOVERNED. THIS ROLE TAKES ON NEW IMPORTANCE IN TODAY'S ENVIRONMENT.

NEW REALITIES SUCH as the global economy and information technology are turning established orders inside out. Every sector of society – from big business to individuals – now seems to focus on its own economic survival.

In the public sector, governments of every political stripe are focusing on new ways to cut expenditures. Everyone agrees there must be change, but each has a favourite list of cuts, and another list of programs to defend. The views of how to achieve savings – at what cost and at whose expense – differ dramatically.

Sadly, in this environment, acceptance of social responsibility for our collective well-being is not always high on the agenda for discussion. The social consequences of economic decisions, and the economic consequences of social change are often left to another day for consideration.

As might be expected of an office which resolves complaints against government, Ombudsman Ontario deals directly with the public's reaction to these circumstances. Staff note an increase in extremes: on one hand, an increase in complainants who are insistent and very demanding, and on the other, an increase in those who feel it is pointless to complain. Many clients confess to having had to overcome a period of silence, or express fears of reprisal.

There has been an increase in complainants who threaten harm to themselves if their complaint is not resolved or

who threaten violent acts against others, including those who are attempting to resolve their complaint. Staff report that those who call show an increasing level of anger, frustration, verbal abuse, tears and despair.

More callers now seem to believe their problems or situations have been caused by others who may often be their neighbours. For instance, people of colour who receive social assistance are frequently targeted for criticism, while those who blend into Ontario's European communities remain invisible. Many people seem to feel that the current economic difficulties permit open expression of intolerant or racist views.

It would be tragic to accept that less money means less fairness when economic circumstances are making those who have the greatest contact with government more and more vulnerable. We are critical when other countries far less prosperous than our own do not live up to basic standards of fairness and human rights. Yet, it would not take long for Ontario to become a society in which fairness is available only

to persons who are well positioned economically.

The public is pressured and insecure about the future. It needs reassurance that, although harsh measures may be required, the measures are fair and are being administered fairly.

In the long run, fairness means a savings represented by public confidence in government. Remedying an unfair process as a result of one complaint also means savings in not having to deal with the many others that will certainly follow if no changes are made.

Effective Ombudsmanship in these circumstances means being knowledgeable about the realities being faced both by the public and the public service, and making practical recommendations

which can realistically be implemented.

It also means being sensitive to the magnitude of the challenge faced by public servants who are struggling to meet what they see as increasing service expectations of their clientele with rapidly decreasing or reconfigured resources.

Attitudes are changing on both sides of the technological "screens" placed in the name of efficiency by governmental organizations between themselves and their clients. Telephone message recorders, voice mail, and automated answering systems have permitted agencies to keep clients at a distance. Some agencies have turned to these devices as a means of maintaining, with ever-decreasing

resources, some order in dealing with the public. On the other side of the screen, despite reassurances that "please stay on the line, your call is important to us," callers feel frustrated and powerless.

In this environment, we are also seeing a wide variation in the way governmental organizations respond to complaints.

Some public servants show a willingness to work with us to resolve complaints, and as a result, early resolution of complaints saves resources and better serves the public.

At the same time, there are those with whom we experience limited success. We have had many reminders of the continuing challenge to persuade governmental organizations to place a premium on early and quick resolution of complaints. Of course, there are many instances where early resolution is simply not possible. To the extent that it is, governmental organizations will reap the benefits: resources aren't committed to protracted disputes and the public receives the often-promised service it seeks.

With this in view, I invite each governmental organization to



ROBERTA L. JAMIESON
ONTARIO'S OMBUDSMAN

(CONTINUED ON NEXT PAGE)



examine its internal complaint resolution mechanism. The better officials become at solving problems early on, the lower will be the level of frustration experienced by public and public servant alike, and the greater the opportunity for the agency itself to improve its level of service. I also invite governmental organizations to review their respective relationships to the Ombudsman with the goal of establishing mechanisms and liaisons which will help resolve complaints early wherever possible.

Clients also need to be told about the complaint-handling process and how to use it. When a person is adversely affected by an agency's decision, and considers the decision to be unfair, the agency should in each case advise the client of his or her right to complain, and the steps to take.

It is unfortunate that in Ontario the only members of the public who are systematically advised of their right to complain to the Ombudsman are residents of correctional institutions and psychiatric facilities. I invite each agency to join me in ensuring that its clients know about the Ombudsman when they feel administrative action or inaction has resulted in unfairness which has not been resolved through the agency's own complaint system.

These measures will enhance the ability of the public to be direct, proactive partners with public servants in resolving problems. Where resolution is not possible, the public may make use of the mediation services of Ombudsman Ontario.

I am certain that some agencies will respond to these suggestions as additional burdens when faced with staggering cutbacks in staff and resources. This would be consistent with a pattern by some public officials to respond to my recommendations by saying that there are insufficient resources. Agencies give the impression of being overwhelmed by the challenge of maintaining standards of service with fewer staff. Now, more than ever, the public needs to be reassured that less resources does not mean less fairness. Lack of funds can never be used as an excuse for being unfair. Fairness is the product of values and attitudes, not money.

I know from experience that providing accessible and equitable service is challenging. We, too, have streamlined our process and adjusted the way we resolve complaints. We have also focused attention on problems which have implications beyond a single instance so that the likelihood of similar complaints may be reduced in the future.

I am outlining in this annual report the process we use to address complaints brought forward about our own staff or procedures. In future annual reports, I will provide information on the nature and disposition of these complaints.

Elsewhere in this report, I have discussed the need to preserve the rights of the public to complain about government services which are being "privatized" by the government. The right of the public to hold public servants accountable for any unfairness

in the provision of governmental services is one of the hallmarks of democracy. As governments search for solutions to provide services in a more cost-effective manner, it will be important to address the issue of how the right to complain will be preserved where public services are delivered by private means.

Already I receive complaints about privatized services over which my jurisdiction to investigate has become unclear; for example, contracted residential care provided for young offenders or children with psychiatric disabilities. Other than through the Ombudsman, the only way to deal with an unresolved complaint is in the courts – a route which most complainants find prohibitively expensive. If this becomes the only option, the public will have lost its right to bring forward complaints and seek redress.

I recommend that this issue be examined with every such privatization initiative, so that accountability and complaint-handling is an explicit and integral part of the new scheme. I am drawing this issue to the Legislature's attention so that it

may take the appropriate steps to preserve the right of taxpayers to complain about any shortcomings in services which are supported by public funds.

The financial information contained in this report shows a 20 percent reduction in the allocation by the Legislature for the coming fiscal year.

I am concerned about the impact of a reduction of this magnitude on our ability to maintain the standard of service Ombudsman Ontario has established.

In closing, during these difficult times, I want to thank the staff of Ombudsman Ontario for their ongoing commitment to provide sensitive, timely, and professional service.

And I commend those public servants who work each day to

provide high quality service and to cooperate with my staff in solving problems.

I also think it important to acknowledge the service which is rendered by the thousands of persons who complain to the Ombudsman, since it is in the resolution of their complaints that the quality of government administration can be scrutinized and maintained, if not improved.

Finally, I express appreciation to the Ontario Legislature for the privilege of serving as its Officer and for its support in encouraging governmental organizations to implement the recommendations of the Ombudsman.

*"Now, more than ever, the public
needs to be reassured that less
resources does not mean less
fairness. Lack of funds can never
be used as an excuse for being
unfair. Fairness is the product of
values and attitudes, not money."*

Roberta Jamieson

ROBERTA L. JAMIESON
Ombudsman

NOTES FROM THE OMBUDSMAN:

On Privatization and Accountability

At the time of writing this annual report, the media are reporting on privatization options being considered by the Ontario Government. These potentially affect a wide range of organizations and services.

The Ombudsman Act gives the people of Ontario the right of recourse when they feel they have been treated unfairly by a provincial governmental organization. To the extent that privatization delivers public services through agencies which are non-governmental, this right is potentially affected.

Consumers of public services delivered by private organizations do not have the option of taking their "business" elsewhere. Accountability mechanisms must therefore be built in to

privatized public service arrangements.

This need is especially compelling when it is recognized that public service consumers are often particularly vulnerable for one reason or another. These people have a right to an avenue of redress. They should be able to complain about their treatment by any agency delivering a public service.

The decision to privatize is a political one. Therefore it is not appropriate for the Ombudsman to intervene. I am concerned, though, that the question of administrative fairness is directly addressed when the manner of privatization is considered. In any such move it will be important to safeguard the right of the public to fair treatment, and the means to redress when this right is violated.

Time for Municipal Ombudsman?

Every year our office receives thousands of complaints about municipalities. All levels of government face the pressures of limited resources, extensive restructuring and elimination of services. The public is experiencing the various effects of cutbacks, but especially at the local level. This is because municipal workers deal closely with issues that directly affect day-to-day lives. It is time to seriously consider Ombudsman services in our municipal governments. The Ombudsman has proposed that the Legislature explore the many ways to do this. There are many examples of municipal Ombudsman services in Canada and abroad:

- In British Columbia, the Ombudsman received municipal jurisdiction in June 1995.
- Montreal established a *Médiateur* in 1994.
- Nova Scotia and New Brunswick give Ombudsman offices jurisdiction over municipal boards.
- Winnipeg has had a local Ombudsman since 1992.
- Detroit, Michigan, opened an office in 1974 at a time of urban unrest to help restore the people's faith in their municipal government.
- Berlin has an Executive Ombudsman appointed by the Mayor. They describe it as a "centralized complaint handling office" appointed by the chief executive.
- Europe has 41 other municipal Ombudsman offices.

Privatization concerns shared by others

Stephen Owen, former British Columbia Ombudsman (1986-91), on privatization, accountability, and the Ombudsman:

An ombudsman office is established as an independent quality control mechanism to balance the market power of the public sector. ...

Where public services are delivered privately, government must ensure that private sector firms are equally accountable to individual members of the public for quality.

While private delivery contracts must be monitored and enforced by government through general cost and quality controls, methods must also be in place to resolve individual complaints. Private contracts negotiated with government should therefore provide explicitly for access to the ombudsman office by individual users in order to ensure quality control over the public service which is being privately delivered.

S. OWEN, "THE OMBUDSMAN: ESSENTIAL ELEMENTS AND COMMON CHALLENGES" IN *The Ombudsman: Diversity and Development*, L. REITE, M. MARSHALL & C. FERRIS, EDs. (EDMONTON: INTERNATIONAL OMBUDSMAN INSTITUTE, 1993)

THE STANDING COMMITTEE OF THE LEGISLATURE

THE OMBUDSMAN IS AN OFFICER OF THE ONTARIO LEGISLATIVE ASSEMBLY. The Legislature has established "Standing Orders" which provide for a Standing Committee on the Ombudsman. One of its responsibilities is to review reports the Ombudsman makes to the Legislature.

The Ombudsman makes an annual report to the Legislature, and on occasion, she makes a special report. Normally these reports deal with a complaint she investigated in which the governmental organization has not implemented the Ombudsman's recommendation. Because the Ombudsman cannot enforce her recommendations, as a last resort, she must depend upon the Committee to put pressure on the officials. Her report first goes to the head of the organization, then the appropriate Minister. The Ombudsman Act also requires the case go to the Premier before reporting it to the Legislature.

When the Standing Committee receives an Ombudsman report regarding recommendations not implemented, it will hold hearings and ask officials why the Ombudsman's recommendations have not been followed. It may also report to the Legislature with recommendations.

After the 1995 election, the Legislature appointed a number of new members of the Standing Committee. In her first appearance before the Committee on December 13, 1995, the Ombudsman suggested several issues which she believed merited the Committee's attention.

One issue is the right of the public to an independent resolution of complaints when a governmental service is provided by the private sector. The Ombudsman's jurisdiction to deal with complaints about privatized services is limited, and no other complaint handling mechanism is in place.

Secondly, the Ombudsman expressed concern with the lack of an independent official to examine complaints the public may have with agencies not within the Ombudsman's jurisdiction, including municipalities, hospitals, school boards and children's aid societies. She referred the Committee to a number of possible options to remedy these gaps in accountability.

Finally, the Ombudsman suggested the Committee address the conflict between the Freedom of Information and Privacy Act (FIPPA) and the confidentiality provisions of the Ombudsman Act. Under FIPPA, a third party can apply to obtain documents which the Ombudsman is required by law to keep confidential.



THE NEW OMBUDSMAN ONTARIO

THE OMBUDSMAN'S ROLE DOES NOT CHANGE. HOWEVER, THIS YEAR, WE HAVE BEEN CHANGING THE ORGANIZATION BEHIND THE OMBUDSMAN.

THIS WAS PARTLY TO MEET SOME GOALS OF OURS. For example, we want people to be more aware of the Ombudsman's services. We want to make those services easier to use. We want to be sure that we, too, treat people fairly. We want those who need us most to be able to find us.

Ombudsman Ontario faces the same money squeeze as everyone these days. Budgets are shrinking at the same time as complaints increase and become more complex.

We have re-organized. There are now fewer managers, and staff has more autonomy to make decisions in their day-to-day work.

We set up new units. One will handle investigations that have a potential effect on groups of people to ensure systemic barriers are removed. Another special unit now deals exclusively with complaints from inmates. These make up almost one-quarter of all complaints. We have also assigned staff to write policies and to support our work with research.

Change causes stress. This is true for those staff who remain and those who have been laid off. We're helping both adjust in a variety of ways. For example, our employee assistance program continues and counsellors are helping people in their search for other jobs.

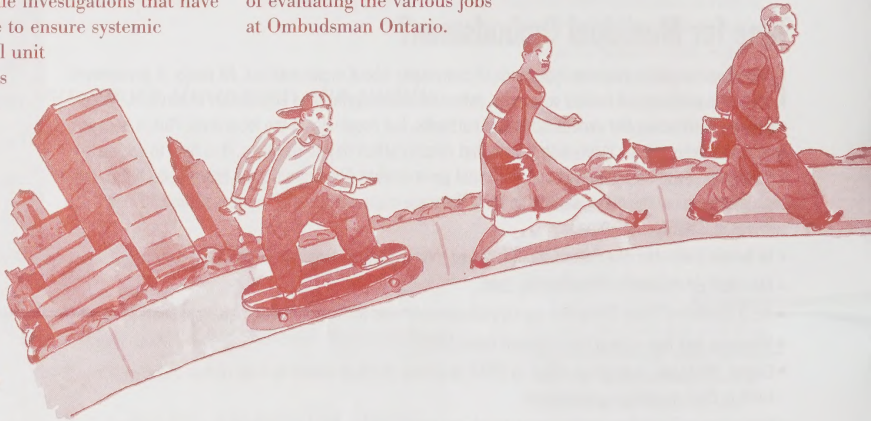
We made sure our skills are up to date. All through the year, staff went through in-house training. We now know better ways to resolve conflicts. We did extensive anti-racism and equity training, and management and staff were trained in health and safety to comply with the law.

The office looked at how we do things. We began a new way to manage cases. To ensure consistency, we wrote a number of

manuals. One helps investigators apply the Ombudsman Act. It also gives them guidelines for investigations. Another covers public education. It suggests effective ways to present information and resources for different audiences.

We outlined the procedures needed to run our offices in another manual. We are currently doing the same for human resources, to reflect our Union contract. On the accounting side, we are in the process of being computerized.

Our office involvement often means being part of a committee. One of these is making progress on a new way of evaluating the various jobs at Ombudsman Ontario.



Another is developing standards to meet in serving complaints.

The client research group is trying to find out if complainants come from all groups in Ontario and how they are using our services and we have established another group to examine employment equity in our organization.

A joint committee is working on labour relations. Another committee supports staff in our anti-racism and equity learning.

INFORMING THE PUBLIC IS AN ONGOING COMMITMENT

MANY PEOPLE IN ONTARIO do not know about the Ombudsman. Those who don't are often the ones who need us most. We can only be useful if people know that there is help, and how to get it. Through public education we have talked to many people ranging from youth to seniors, individuals to entire communities.

The Ombudsman has ten offices. Each matches public education to local needs.

For example, this year we worked with aboriginal leaders at events in Eagle Lake, Walpole Island, Nipissing, West Bay and Wikwemikong First Nations. We staffed booths at events run by people of colour and newcomer groups. We talked to classes in English as a Second Language, adult basic education and literacy. We organized meetings with seniors' groups. We also made field trips to isolated communities.

In Toronto we worked with many communities. This year, we added the Somali, Spanish, Korean and Vietnamese communities to our contacts. Community groups helped us write information sheets in different languages and suggested other ways to inform their members. We reached out more than ever to people who live with AIDS or are HIV-positive. We went to the Canadian Hearing Society's Mayfest, and to volunteer fairs in Scarborough and Etobicoke.

We are trying to make sure that any person or group who needs our help can find us. To this end, we will continue to distribute information broadly and to target our public education activities.

OUR FINANCIAL OUTLOOK

EACH YEAR, the Ombudsman brings her budget for the year ahead to the Legislature's Board of Internal Economy. This committee is chaired by the Speaker and has members from all political parties. Based on the Board's recommendations, the Legislature gives the Ombudsman her budget. At the end of the fiscal year, the Provincial Auditor conducts an audit of the Ombudsman's expenditures.

In 1995-96, the Ontario Legislature provided Ombudsman Ontario with \$9.1 million to deal with nearly 29,000 complaints and

inquiries. Although Ombudsman Ontario now handles nearly three times more verbal complaints and twice as many written complaints than we did in 1981, our funding dollars were 8% less in 1995, than they were fifteen years ago.

In preparing for the 1996-97 fiscal year, the Ombudsman reported to the Board that efficiencies, streamlining, and reducing management positions would save 6%. This meant a reduction from \$9.1 million to \$8.6 million. She said this would not affect her ability to carry out the responsibilities given to her in the Ombudsman Act.

If there were further reductions, however, the Ombudsman said she would have to reduce staff. Fewer staff would mean fewer cases would be handled over the year, resulting in a backlog of cases.

On April 17, 1996, the Board of Internal Economy decided that the Ombudsman's budget be reduced by a further 14% for a total of 20%. The allocation will be \$7.3 million, \$1.8 million less than 1995-96.



THE OMBUDSMAN AS A RESOURCE

THE OMBUDSMAN HAS MANY JOBS. Naturally, she looks into complaints and tells people about her services. Besides this, her office tries to support other groups who want to improve their own services.

This year we did so in a number of ways. We helped draw up a framework for administrative tribunals and agencies to measure how well they are providing appropriate and accessible service. When this was approved,

we ran workshops to give tips and guidance on equitable service. Agencies looking at different ways to better or improve their service to the public also came to us for advice.

Ombudsman staff from Quebec spent time with us. They joined our anti-racism and equity training. They also compared notes with us on service delivery. Recently, the New Brunswick Ombudsman did the same thing.

Getting the Right Idea!

Some people have ideas about our office that are wrong. Here are some common mistakes, with the right answers.

Wrong: The Ombudsman looks into complaints against any person, company, or government.

Right: She looks into complaints only against Ontario's provincial government and its agencies.

Wrong: The Ombudsman is like a judge in a courtroom.

Right: The Ombudsman is more like a referee. She looks into government decisions and actions, when all other means have failed. She recommends changes.

Wrong: The Ombudsman gives legal advice.

Right: If you need advice, she refers you to the agencies that can help.

Wrong: The Ombudsman takes the side of the complainant.

Right: The Ombudsman does not take sides.

Wrong: The Ombudsman stands for the provincial government.

Right: The Ombudsman stands for fairness. She is separate and independent from government.

Wrong: You can bring a complaint to the Ombudsman for someone else.

Right: No, you must be the one who is personally affected.

Wrong: The Ombudsman charges money to look into complaints.

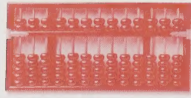
Right: The Ombudsman's service is free.

What's in a Name...?

Although in North America it has an unfortunate gender association, in Sweden the word Ombudsman has a very positive meaning. It's the Swedish word for "one who represents the people." The King of Sweden first appointed this officer in 1809. By other names, other countries have had similar representatives for centuries.

How do you say it? In Swedish, you stress the beginning and end of the word. Say, "OMBudsMAN." Or we often hear: "omBUDSman."

Contact the Ombudsman if you have a problem with your dealings with Ontario government services. No matter how you say our name, we'll answer.



STATISTICAL HIGHLIGHTS

LAST YEAR 28,900 PEOPLE CONTACTED OMBUDSMAN ONTARIO FOR HELP WHEN THEY FELT THEY HAD BEEN UNFAIRLY TREATED BY A GOVERNMENTAL ORGANIZATION. MOST PHONED OR MADE A PERSONAL VISIT TO ONE OF OUR TEN LOCATIONS AROUND THE PROVINCE. ABOUT A THIRD REACHED US BY MAIL.

FOR 88.7% OF THE PEOPLE who brought a complaint about a provincial governmental organization or agency, the Ombudsman facilitated a resolution. When the complaint was about a federal or municipal organization, or the courts or private bodies, over which the Ombudsman has no jurisdiction, 98% received assistance in finding a solution.

Ombudsman Ontario focuses on early resolution of complaints. Staff are trained and encouraged to seek solutions during the early stages of their fact-finding review. On occasion, this may mean finding the right person to re-issue a missing cheque. Other cases result in a change to the way people are screened for a benefit or program. Sometimes it just means finding someone else in the community to help because a provincial agency could not.

Of course it can be more complicated. About a third of the complaints about provincial governmental organizations required a formal investigation to reach a conclusion. In about half of these, more information, and discussion with the complainant and the organization involved, brought about a resolution. The remainder involved a full scale investigation with detailed interviews of everyone involved and a thorough examination of all records that led to the original decision in the matter.

All the formal steps that the Ombudsman can take to solve a problem are not always needed. But the existence of these measures ensures fair treatment for the people of Ontario.

Who are our clients and what are their complaints about?

A public opinion poll that we did in 1992 told us that the people most in need of Ombudsman Ontario services are least likely to know about us. These included groups such as single mothers and people with disabilities.

Since then, to make sure that we are equitably serving all people in Ontario, clients who contact us are asked to identify themselves by aboriginal or First Nations status, age, disability, gender, household income, race, and sole support parenting.

How do people feel about answering our questions?

We have found most people understand and support that we are using the information to make sure the way we do things is fair to all individuals and groups. Very few people have refused to provide information. They are assured that they do not have to answer these questions. Also, they are told that what they say is confidential. Staff use their discretion in asking the questions; they do not ask people who they feel are too angry or disturbed.

How does the information help if someone has specific needs?

We know that some people need material in different languages, some do not receive regular mail, some require braille or tapes. A group of staff have made a list of questions to help us identify what individuals need. We ask about things like the languages people speak comfortably, about the kind of information they can read easily, and about being able to get to and use a telephone or getting mail and travelling to our offices. When staff have this information, they can do things in ways that help each person use our service.

What have we found?

For the past two years, well over half of the complainants we questioned across Ontario have annual incomes of less than \$30,000. From last year, there has been an increase in the number of young people and women among the surveyed complainants. Other groups stayed more or less the same overall but with varying rates of contact in different parts of the province.

What are we finding out about public education?

Staff who are doing public education in the community also keep track of various groups who come to events. We found that doing public education with people with disabilities, youth, aboriginal and First Nations people, women, and people of colour is directly related to more people from these groups coming forward to the District Offices.

What type of complaints are different groups bringing forward?

Complaints about programmes in the Ministry of the Attorney General, Ministry of Labour and the Ministry of Community and Social Services accounted for about half of all the non-Corrections complaints during the past year. The Family Support Plan and the Workers' Compensation plan account for most of the complaints against the Attorney General and the Ministry of Labour.

This does not necessarily mean that these ministries are treating particular groups badly or worse than the overall population. The concentration of complaints against these ministries may simply mean that specific ministry programmes are of particular relevance to particular groups of people.

We found that sole support parents and people with disabilities complain about these three ministries at a higher rate than all other complainants. People of colour complain about these same programmes but to a lesser extent and in different proportions. While sole support parents and people with disabilities may have a range of issues with other agencies, these three ministries administer the programmes which are central to the lives of large numbers of these two groups of people.

Other groups brought forward complaints about a broader range of programmes. The concerns of Aboriginal and First Nations people focused on the Ministry of Community and Social Services, the Family Support Plan and the Ministry of Consumer and Commercial Relations.

Student complaints were mostly concerned with the Ontario Student Assistance Plan, the Ministry of Community and Social Services and the Ministry of Transportation. Seniors' complaints were most often related to Workers' Compensation, the Ministry of Health and the Ministry of Transportation.

We will continue to gather a variety of information about the people we serve. By doing so, we are able to re-focus our efforts to serve them better.



STATISTICAL INFORMATION SUMMARY

DURING THIS PAST YEAR the Ombudsman dealt with 28,900 written, verbal or personal visit complaints and inquiries, an 8.1% decrease from 1994-95.

- Written complaints and inquiries decreased 7.9% to 9,890 from 10,742 in 1994-95 while verbal complaints and inquiries decreased 8.1% to 19,100 from 20,699 in 1994-95.

Complaints against Provincial governmental organizations decreased 1.1% from 1994-95, a minor fluctuation in the core complaints falling within Ombudsman Ontario jurisdiction.

- A resolution was reached in 88.7% of these 16,529 cases; in the balance of cases, no action was possible or the Ombudsman or the client discontinued the investigation. This compares to 88.8% in 1994-95.

Complaints and inquiries against non-provincial organizations, over which the Ombudsman does not have jurisdiction, were down by 16.0%, reflecting successful initiatives to inform the public about the scope of Ombudsman Ontario jurisdiction.

- As in 1994-95, we were able to give a referral, facilitate a resolution or make an inquiry for 98.1% of these cases.

Statistical Highlights

Fiscal Year Comparison

Complaints and Inquiries

		1995/96	1994/95	1993/94
Overall	-Provincial Government	-1.1%	-13.4%	-1.0%
	-Non-Prov. Organizations	-16.0%	-12.5%	+16.8%
Written				
Total		-7.9%	+15.8%	+12.9%
	-Provincial Government	-4.7%	+18.8%	+7.5%
	-Non-Prov. Organizations	-23.8%	+3.1%	+41.1%
Verbal				
Total		-8.2%	+23.0%	+4.6%
	-Provincial Government	+3.0%	-33.9%	-5.8%
	-Non-Prov. Organizations	-14.9%	-14.4%	+14.5%

By Final Resolution -Verbal and written complaints and inquiries

	1995/96	1994/95	1993/94
Complaint resolved by Ombudsman	1,376	1,217	907
Investigation discontinued	1,734	1,740	1,809
No action possible	794	680	880
Resolution facilitated/Referral given/Inquiry made	24,996	27,804	32,548
Totals	28,900	31,441	36,144

Average days to resolve written complaints and inquiries	15*	11	13
Number of days to resolve 90% of written complaints and inquiries	94*	72	72

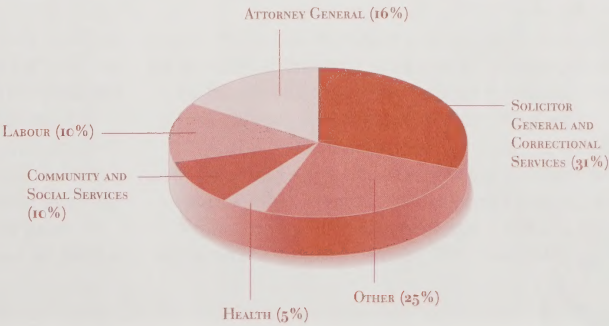
*reflects the reduction (23.8%) in those cases outside Ombudsman jurisdiction which take significantly less time to resolve

NOTES:

- DURING THE LAST FIVE WEEKS OF OUR REPORTING PERIOD THE ONTARIO PUBLIC SERVICE EXPERIENCED A WORK STOPPAGE.
- FOR ADDITIONAL STATISTICAL INFORMATION PLEASE SEE THE APPENDIX TO THIS REPORT FOR A DETAILED BREAKDOWN.

Written Complaints and Inquiries PROVINCIAL GOVERNMENTAL ORGANIZATIONS

Note: Labour includes the Workers' Compensation Board. Attorney General includes the Family Support Plan. Each of these programmes accounts for more than 50% of the Ministry's complaints.





COMPLAINING MAKES A DIFFERENCE

PEOPLE OFTEN SAY, "COMPLAINING DOESN'T DO ANY GOOD. NOTHING WILL HAPPEN ANYWAY." WE'RE HERE TO TELL YOU THAT YOUR COMPLAINT CAN MAKE A DIFFERENCE.

IT CAN BRING A PROBLEM to the government's attention. This may lead to a change in the law - or in the way the government does something. If the old way is unfair, unjust or unreasonable, you should speak up. This may prevent others from being treated the same way.

However, there are certain things you must do before you bring your complaint to the Ombudsman. To improve your chances of success, follow these steps first:

Be prepared. Know exactly what you are complaining about. Be sure you can describe it clearly and briefly. Write down your questions. Have all the information you need on hand before you make contact.

Try calling first. Call the person who made the decision. Remember, you want people to treat you politely, so treat others politely too. Keep records. Write down the name of the person you spoke to, the date, and what the person said. It sometimes helps to send a follow-up letter to that person.

Write a letter. If your phone call did not resolve the complaint, write a letter if you can. Address it to the person who

made the decision or to the head of the organization. In the letter, ask for a review of your complaint. Keep a copy for your records.

Ask questions. If you don't understand what they tell you, don't be afraid to say so. Ask them to explain or to give an "example" of what they mean. Sometimes it is important to ask for the decision in writing. This gives you time to prepare your questions and review the information, before discussing your complaint.

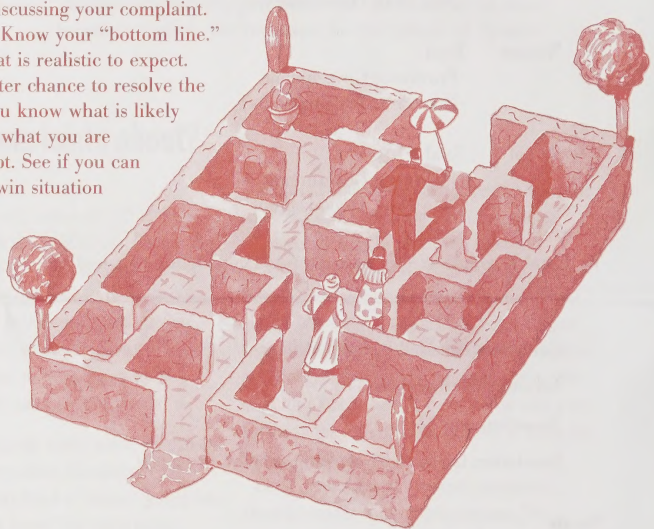
Be realistic. Know your "bottom line." Also, know what is realistic to expect. You have a better chance to resolve the complaint if you know what is likely to happen and what you are willing to accept. See if you can make it a win-win situation for everyone.

Read everything you receive - including the fine print! Read all the

information carefully. If you do not agree with the decision, find out how to appeal. Find out if an appeal has to happen within a certain time. Keep a record of your letter of appeal, too. Ask how long it will likely take to decide about your appeal.

Call your Member of Provincial Parliament. Your Member may be able to help you resolve the complaint.

If you still can't find a solution, give us a call.



CASE STUDIES

Every year in our annual report the Ombudsman presents a collection of brief case summaries to illustrate in a concrete way the type of work we do on a daily basis. These stories were written by our staff to offer a representative sample while protecting the anonymity of complainants. Further case studies are presented in the Appendix to this report.

The application had arrived on time

An organization, as well as a person, is welcome to bring a complaint to the Ombudsman. Here is the case of Society A.

In 1991, the Society applied for a rebate from Ontario Hydro under an incentive program after installing a heat pump system. The Society did not receive the money. It felt it was eligible, and it had applied well before the deadline. Its executive director believed that Hydro had lost the application. He asked for the Ombudsman's help.

Ontario Hydro could find no proof that the Society had applied. Hydro also said that applicants needed written approval first. The Society didn't have this. What's more, Hydro said it could not accept any applications after January 1993 because the program was frozen from that date.

The Ombudsman investigated the matter. A former Hydro official had been in charge of sending applications to head office for approval. It was found that he held applications back when he felt that "estimated" and "final" costs were not going to match, and this was the reason head office had not seen - or approved - the application.

The Society had a photocopy of its application, and phone records. These showed it had applied, and that Hydro had received the application. Therefore, the Ombudsman asked Hydro to process this and any similar cases.

The Society was satisfied to settle directly with Ontario Hydro for \$15,000, the amount for which it had first applied.

Where there's no will, there's gotta be a way

A cousin of "B's" late husband had died intestate, or without a will. She complained that the Public Guardian and Trustee was not trying hard enough to locate missing heirs.

The Ombudsman investigated. She found that the Public Guardian and Trustee had hired a genealogist to research the family. The result had named a possible heir. Yet, the office had not tried to find her. A group of cousins had also done lengthy research on a branch of the family looking for a connection to the estate. The Public Guardian and Trustee knew this branch was not in line, but had not told the cousins.

In the Ombudsman's view, the Public Guardian and Trustee had acted wrongly. She suggested that the Office continue its research to find out

who the heirs were. If it could not resolve the matter, the Public Guardian and Trustee must get help from the courts. She also asked the Public Guardian and Trustee to write procedures on searching for heirs in cases like these. Finally, the Ombudsman recommended an apology to B. The Public Guardian and Trustee agreed.

Ombudsman staff have learned that the Public Guardian has appointed a team leader to develop procedures. Things have changed in practice, but not yet in writing. The office is doing searches, and intends to hire new researchers.

The Ombudsman will follow up again soon to ensure the changes have been implemented.

Checking the reference check

Often a complaint results in a new policy or practice that benefits everyone. In this case, the complaint came from a community police officer. "C" applied to the OPP. It rejected her because of negative – and incorrect – information.

C's complaint was about the OPP sergeant who checked her background. She claimed he had listened to negative comments from two officers she worked with. The sergeant had accepted these comments as fact. This was because he was friendly with the officers. He had ignored positive information that others had given.

The Ombudsman's investigation showed that C was right. By law, before the Ombudsman's findings are final, organizations can make comment. In this case, the OPP promised to ensure fairness if C chose to reapply.

The Ombudsman went on to recommend the OPP make changes in its hiring practices. It agreed. Now OPP background referrals must indicate any conflict of interest. This includes a personal connection with anyone involved.

Official language in action

When "D" wrote two letters in French to the Office of the Public Guardian and Trustee he expected a French reply. Six months later, D got a response, but in English. Not only that, the forms were sent to D's old address. He contacted Ombudsman Ontario.

Ombudsman staff learned that an office reorganization had caused the delay. The Public Guardian promised that D would get the right forms, at the right address, in the right language, right away.

To know is to understand

Sometimes, similar complaints arrive at once. When this happens, the Ombudsman steps back a bit to see if they reflect a common problem. Solving this problem may make things more efficient for everyone in the future.

In one case, many injured workers complained separately about the Workers' Compensation Appeals Tribunal (WCAT). They said WCAT had not paid their expense claims in full and it had not explained why.

The Ombudsman found that this was in fact what happened and pointed this out to the head of WCAT. As a result, the Tribunal now does things differently. Whenever there is a change to an expense claim, the injured worker understands why because they receive a copy of the revised claim.

It pays to fix tomorrow's problems

Here is another issue that pointed to a systemic problem. It involved a series of complaints about a Family Benefits office. These all said the office wasn't acting on decisions made by the Social Assistance Review Board (SARB) in favour of the complainants.

The Ombudsman investigated and found 60 cases like this. In response, the office changed the way it works. It promised to clear up all these files right away. One client got \$5,514 in back benefits. Every week, the manager now reviews all new SARB decisions. A fieldworker ensures that the office is quick to comply. These changes were explained to the area's legal clinics.

Because people came to the Ombudsman, the whole system improved. This complaint may never come up again. The Ministry also checked all Family Benefits offices and reported that except for complex files, the offices act quickly on all SARB decisions.

The case against racism

Two residents of a youth detention centre felt their treatment was unfair after a fight with another resident. Their complaint to Ombudsman Ontario was that the third person hadn't received the same discipline. They also felt that the Unit Manager was wrong: their fight was not a racial attack.

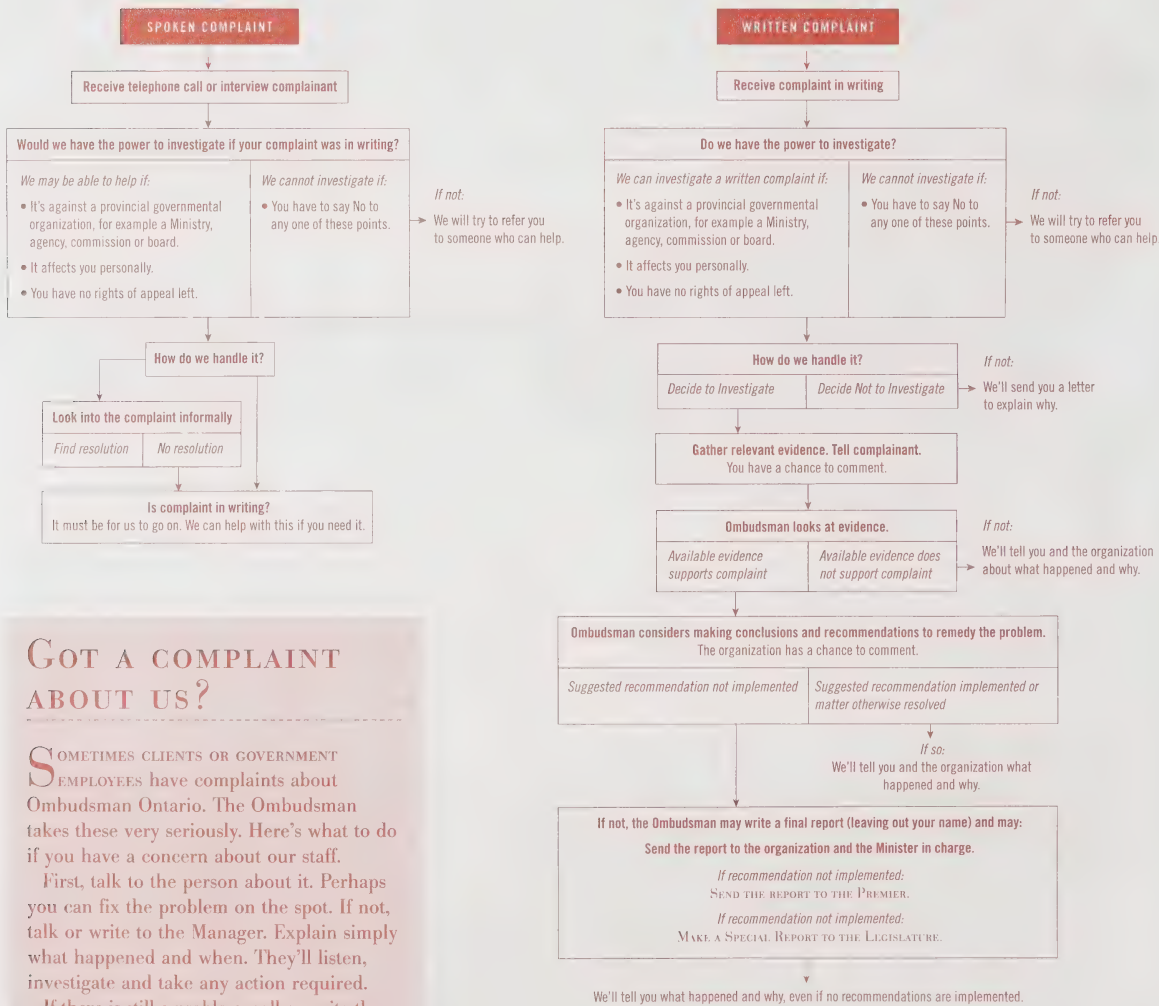
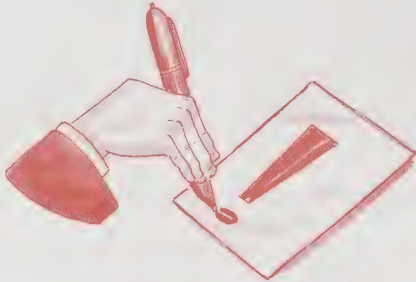
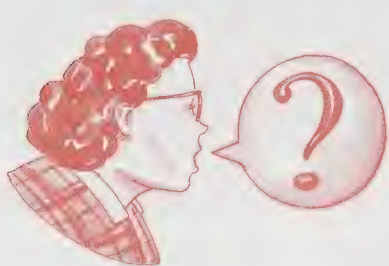
The Ombudsman's investigator reviewed all three files. She checked documents and log books, and interviewed staff and witnesses. Graffiti and incident reports showed that racial tension was increasing. She also noted that staff could do more to ease the situation.

The investigator discussed these findings with those in charge. In response, the institution agreed to develop and implement an anti-racism program for residents and staff.



THE COMPLAINT PROCESS

Telephone access is the most frequent method used by the public to contact the Ombudsman. These calls may result in a referral, a resolution facilitated informally, or an investigation. A formal investigation requires a complaint in writing. The following chart is provided as a general summary of the complaint process.



GOT A COMPLAINT ABOUT US?

SOMETIMES CLIENTS OR GOVERNMENT EMPLOYEES have complaints about Ombudsman Ontario. The Ombudsman takes these very seriously. Here's what to do if you have a concern about our staff.

First, talk to the person about it. Perhaps you can fix the problem on the spot. If not, talk or write to the Manager. Explain simply what happened and when. They'll listen, investigate and take any action required.

If there is still a problem, call or write the Ombudsman.

We want to find a quick solution. So, at every step of the way, you'll hear from us as soon as possible, with an explanation and reasons.

Looking deeper into the matter

The Ombudsman may not be able to support every complaint. Yet, sometimes her investigation uncovers other concerns which the organization is often willing to address.

This case began when a college advertised for a professor. The ad asked for a hygienist to teach dental assistants.

Dr. "E" was a dentist. When she applied and did not receive an interview, Dr. E decided the competition was unfair. She claimed the college showed lack of respect when it didn't call her Doctor in its letters. Also, she felt the salary was too high for the job.

The investigation sorted out the issues. The college apologized for not using Dr. E's title. However, it said it hadn't interviewed her because the position was for a licensed hygienist, not a dentist. The salary range was set by a union agreement.

Meanwhile, the investigator found other unfair practices. For example, the college scored people on "maintaining eye contact." Yet, in some cultures, eye contact is not polite. The investigator pointed out to the college that this could work against people from certain backgrounds. The college agreed to change this practice.

Cutting years out of the process

In 1989, "F" made an appeal to the Workers' Compensation Board (WCB). It wasn't until 1995, however, that F's appeal reached the Hearings Officer. This was, in part, because the WCB had first dealt with F's other claims.

As a result of the Ombudsman's investigation, the WCB recognized it had mishandled the appeal and it apologized to F. At the same time, the WCB had also changed the process for all claims. They now deal with multiple claims by one worker at the same time rather than separately.



Battling the faceless "machine"

"K" used his credit card to pay a parking fine at a Ministry of Transportation kiosk in December 1994.

Then in September 1995, the Ministry told K it would suspend his license unless he paid an outstanding parking fine. Neither the Ministry nor the courts had a record of payment. K's credit card receipts were not enough proof. The Ministry threatened to take away K's license - which he needed for work. In addition, the fine amount increased because payment was "overdue."

At that point, K contacted Ombudsman's district office. After receiving calls from district staff, the Ministry contacted the Courts and located the payment. K was pleased to learn that his license was now cleared from any possible suspension.

The one that got away

Here's one of the cases where an official cooperated with Ombudsman staff to find a quick solution.

"G" applied to the Office of the Registrar General to replace two birth certificates. The certificates had been stolen, and she needed them for a trip. Her leaving date was now four days away and no certificates had arrived. What she wanted was urgent help.

Ombudsman staff asked the Office if in light of G's situation, it could speed up the process. Officials at the Registrar General agreed to provide certificates that day, as long as G would cover courier costs. As a result, G departed right on schedule.

Not a shot in the dark

The Ministry of Natural Resources refused to grant "H" a Disability Hunting License to allow him to hunt from his car. The Ministry felt that H's disability was not severe enough. H disagreed.

H needed braces to walk. This made it difficult for him to hold a gun when walking over rough ground. A member of the Ombudsman's staff contacted the Ministry to discuss H's situation. On reviewing the facts, the Ministry was persuaded that H's disability did make him eligible for the license and it was approved.

Getting a license to earn a living

Anyone who wants to sell life, accident and safety insurance in Ontario must have a license. Seven weeks after writing the licensing exam, "J's" license had not arrived. J called several times to ask why. Each time, the Superintendent of Insurance told her that she would just have to wait further. Without a license, J couldn't work as an insurance agent. She had no other way to earn her living.

J felt this was unfair. She contacted the Ombudsman's district office, who contacted the Superintendent of Insurance (Agents and Adjusters Branch) to inquire about the reasons for what seemed an unreasonable delay.

As a result the license was issued within two working days.

Improved procedures resulting from an investigation

"L" was well known in his community for property crimes. Staff at his detention centre thought he was outspoken and difficult. This was partly due to a psychiatric condition that affected L's behaviour. Doctors felt drugs would help, but L wanted to stay drug-free.

L was now trying to do better. He had apologized to staff, and began to study for his high school diploma. After months of work in the kitchen without incident, the staff trusted L enough to let him visit the hospital when his baby was sick. They also recommended a transfer to minimum security. Encouraged by his success, L found a job offer. He then applied to a half-way house so he could work.

Despite his good behaviour, the centre refused L's application. This upset L very much. Within days, staff had removed L from kitchen duty and told him he would be moving to a maximum security centre. L contacted Ombudsman Ontario to complain of unfair treatment.

The investigation turned up holes in L's records. Information in his file was unclear. L's good behaviour also had not changed his poor

reputation among staff. The officer in charge had used verbal staff reports to decide whether to transfer L to maximum security.

Meanwhile, the head of the centre changed. The new Superintendent also reviewed the case. When the Ombudsman advised him of her initial findings, he reported back with measures designed to correct poor procedures.

Among other changes, he had retrained staff to write clear and detailed reports. These reports have since helped in cases that might otherwise have presented problems. The centre also corrected L's file, including the Ministry's computer records.

In addition to this local action, province-wide changes were also made. All institutions now follow the same procedure whenever officials believe that poor conduct suggests a move to higher security. An inmate gets written notice before any transfer, with reasons, and has a chance to respond.

This satisfied the Ombudsman. The changes that happened because of L's complaint will improve treatment for all inmates.

EVERYONE WINS: A BETTER WAY TO SOLVE PROBLEMS

IN OUR SOCIETY, there seem to be more reasons to get angry. We see this anger in the many complaints against the decisions and actions of the government.

Yet, the ways used to deal with problems often make them harder to solve. Most people seem to take an adversarial, or "You lose if I win," approach. Unfortunately, looking for a clear win can lead to more costs and delays. It may not even benefit the "winner."

When everyone insists on going to court, the system becomes jammed. In court, the matter is out of your hands. Even if you can afford the cost, you may have little

control over the outcome.

How do we find a better way? Sometimes "the old way of doing things" gets in the way. It's easier to reach a solution if a person or an organization is flexible. Finding the answer can be as simple as changing from "I win if you lose" to "We can both win."

Sometimes all parties can work together to find this kind of solution, without going to court. We call this Dispute Resolution. When we can, it is the preferred method Ombudsman Ontario uses to resolve complaints.



No action without consulting and confirming

The Family Support Plan (FSP) is responsible for enforcing support orders filed with it.

"M" was receiving support payments in this way. However, the payor applied to court to have the order to pay support stopped. Before a hearing took place, the FSP looked at the payor's court documents. Based on this information, it agreed to a court order stopping enforcement of M's support order. It then stopped enforcing M's

support order. The FSP did not consult M first.

M complained that the FSP had acted without telling her or asking her about the change. She contacted the Ombudsman. M showed that one of the payor's court documents was inaccurate.

During the investigation, the FSP reviewed the court file. It found that the court had never ordered it to stop enforcement. Therefore, it could honour M's wish that it continue to enforce

the court order. The FSP wrote an apology to M.

This has led the Family Support Plan to handle these cases differently. From now on, before it agrees to a court order to stop enforcing support, the FSP will check with the person receiving support, when this is possible. The FSP also will not act until it receives confirmation of the court's decision in writing.

Freedom of religion in our prisons

"N" wished to perform the ceremonies of his culture while serving a prison sentence. In one, he wanted to burn sweetgrass to cleanse himself with the smoke and the institution would not allow this, so he complained to the Ombudsman.

The Ombudsman's staff met with N and officials. Together, they suggested the idea of a native liaison officer. Soon afterwards, the Ministry of the Solicitor General and Correctional Services hired such a person full-time.

The sweetgrass ceremony has come up more than once. Another instance was with two residents of a young offender centre. They complained the centre had stopped them from going to a ceremony. In this case, the Ombudsman's investigator found that the youths had been bullying others at the ceremony. Everyone talked it over, agreed on the rules, and the centre allowed the two to go.

Issues like these continue to come forward across the province. The Ombudsman has recommended the Ministry develop a fair way to deal with them.

The right to appeal and appeal

"O" came to our office because she disagreed with a decision by the Workers' Compensation Appeal Board. It had ruled that O did not have an accident in the workplace.

We told O that the appeal process had just changed. She could now ask the Workers' Compensation Appeals Tribunal for "leave to appeal" the Appeal Board's decision.

However, the Tribunal refused to re-open O's case. It felt that O had given no new reasons to review the earlier decision. O felt otherwise. She returned to our office.

The Ombudsman began an investigation. It revealed that the Tribunal had not considered all the evidence in O's case. The Tribunal had relied on incomplete information from the hospital records. It also may not have fully studied the photographic exhibits. With this in mind, the Tribunal agreed to look again at O's case.

Ensuring fairness every step of the way

The Ombudsman cannot always support a complainant. However, it is important that any person who feels unfairly treated can have their case examined by someone outside of government.

"P" had submitted a subdivision plan for approval. The Ministry of Municipal Affairs placed conditions on his plan. P asked for a chance to appeal to the Ontario Municipal Board (OMB). When this was turned down, P asked the OMB to reconsider. He was turned down again.

P then brought his complaint to the Ombudsman. He claimed the town planner had too much influence over a Board member at his first hearing. The Ombudsman's investigation found that, on the contrary, the member had looked only at the facts.

When this type of complaint is brought forward, the Ombudsman is there to reassure all parties that every step on the way to a decision is fair.

Making sure the right decision is in writing

English was not "Q's" first language. This made it hard for him to sort out a complex problem with his property taxes. The problem was with the Ontario Municipal Board (OMB). It said one thing at his hearing, but a written decision reported the opposite.

Q had paid the 1990 taxes on his home. He had been injured at work the year before and had an adult son who was disabled to look after at home. So he had applied to the City under the Municipal Act to have some or all of the tax money returned to him. It had been allowed the year before because of his illness and poverty. This year, however, the City rejected Q's 1990 application. That's when Q appealed to the OMB.

At the OMB hearing, the City staff agreed to cancel the 1990 taxes and credited the 1990 tax money towards what Q owed for 1991 and 1992.

Almost four months later, Q received the Board's decision in writing. This said that the OMB had rejected his appeal. Q was confused, and came to Ombudsman Ontario. Community Legal Services helped Q in his native Greek.

The Ombudsman's staff worked with Q and a person from Q's Community Services Centre. They also had letters from Q's lawyer and the City's former Treasurer. Together, they noted that the file numbers on the appeal and on the written decision were different. As a result, the Board changed its written decision and ordered the City to cancel Q's 1990 taxes.



When a ministry makes a mistake

"R" had received her land tax bill after the due date. She paid it the day she received it. Later R found that the Ministry of Finance had added a late payment charge.

R explained what had happened to Ministry officials. Yet they told R that she was still responsible for the late payment. She lived on pension income, so R believed this was a very unreasonable charge to pay. She brought her complaint to Ombudsman Ontario.

R had kept the envelope for the tax bill. It was postmarked after the due date. With this in hand, the Ombudsman's representative contacted the Ministry and an official conceded that some bills had been mailed late. He agreed to cancel the late payment charge.

Going the distance

"S" needed to go to Winnipeg for a special heart test. He applied for a Northern Health Travel Grant to help with the cost of the trip. However, the Ministry of Health would only grant enough money to get S as far west as Kenora. The Ministry felt that doctors could do the test there. The client complained to the Ombudsman that this was unfair.

The Ombudsman's district office did some research. They found that while Kenora had a heart specialist, the hospital did not have the right equipment for this test. The staff informed the Ministry of Health, and the Ministry approved the grant in full.

Language should not be a barrier

"T" came to Canada in 1991, and made her home in a hard to reach area of Ontario. She came to Ombudsman Ontario after applying and being turned down for the Ontario Health Insurance Plan (OHIP) for the third time. Their reasons were that she was a "non-resident" of Ontario.

It was difficult and time-consuming for T to get to a local Ministry of Health office to clear this up. On top of this, T had to use a pocket translator to communicate in English. Using this device, she had translated the Ministry's letters, word for word. Yet, she still could not

understand what they meant. She asked Ombudsman Ontario to help.

The Ombudsman's representative called the Ministry. It seems T had spent three weeks in British Columbia on vacation, and taken a three-week trip to Germany. Therefore, the official handling the file claimed T was a non-resident. The Ombudsman's staff then contacted the Ministry's head office and shared the facts as they had been discovered. In response, the Ministry ruled that T would get her OHIP card.

WHAT DOES FAIRNESS MEAN AT OMBUDSMAN ONTARIO?

THE OMBUDSMAN'S JOB IS TO LOOK INTO COMPLAINTS about the organizations of the Ontario government:

Ministries, agencies, boards, commissions and tribunals. She looks at the way a government body acted, or did not act, or how it came to a decision. If she finds that the body has been unfair, she can make recommendations.

THE OMBUDSMAN ACT sets out the standards and special terms that the Ombudsman and her staff use to evaluate fairness. These standards are flexible to allow the Ombudsman to look at each case on its own merits.

If something is unfair, it can be described in many ways. Here are some examples of how the Ombudsman may describe unfair situations.

The actions or decisions of a government body may be unfair if:

...it has acted outside the limits of the law or without legal authority.

This may be **contrary to law**.

...it cannot explain how or why it made decisions, took actions or did not take actions. This may be **unreasonable**.

...it was careless, it did not treat you the same as others or it acted against its own rules. This may be **unjust**.

...it took unfair advantage of its power. This may be **oppressive**.

...it treated someone differently from others with no reason or it used a policy or practice that may seem fair at first but puts a group at a disadvantage, even if it did not mean to do so (this is referred to as systemic discrimination). This may be **improperly discriminatory**.

...it made a mistake because information was wrong or was not understood. This may be a **mistake of fact**.

...it did something that wasn't unjust or unreasonable, but the end result just wasn't right. The Ombudsman may simply call this **wrong**.

...it used its authority to make choices, known as its "discretionary power", unfairly. For instance, it may have done so for personal gain, influence or with bias. This may be **decision-making for an improper purpose**.

...it exercised a discretionary power and did not tell the person concerned how the decision was reached. This may be a case where **reasons should have been given for the decision**.

Does your complaint fall into one of these categories? Do you have more questions? Contact us for assistance or to receive a complete copy of the Fairness Standards document.



PUBLIC EDUCATION

THE INTERNATIONAL SCENE

IN AN IDEAL WORLD, EVERY COUNTRY WOULD HAVE AN OMBUDSMAN. This is the goal of the International Ombudsman Institute (IOI). The Institute brings together the world's five regions. The president is from Holland. The vice president is from Zambia.

Roberta Jamieson represents North America. She also heads up an IOI team looking at how the IOI can work with the United Nations to help advance human rights and just treatment for people throughout the world.

Many countries are creating an Ombudsman.

Today, about 75 countries have one, usually at the national level. Many also have a state, regional or local Ombudsman.

In Central America, South America, Africa and Eastern Europe Ombudsman offices were opened within the last year. Officials who are trying to support cultures that value human rights often seek advice from our office.

Ombudsman Ontario is known around the world. This year, visitors from India, Korea, Sri Lanka, Slovenia, Russia and Mexico came to talk to us.



INTERNATIONAL PLOWING MATCH

FOR A WEEK LAST SEPTEMBER, Ombudsman Ontario was at the International Plowing Match (IPM) in Waterloo. The IPM is part plowing contest, part farm show.

The tent city had seven miles of streets, in the shape of a wagon wheel. People could see farm machinery, farming business displays, arts and crafts, and live entertainment. They

could get information from marketing boards and the government. Of course, most came to watch the match. More than 100 teams competed. Over 30,000 people came to opening day.

Our information booth took lots of complaints and gave out thousands of flyers. People took flyers home to places as far away as Sweden and Australia.

KENORA LITERACY CONFERENCE

PICTURE A ROOM FULL OF GROWN-UPS playing board games.

Picture playing a game about Ombudsman Ontario, laughing and learning at the same time.

This happened in Kenora on May 12, at a conference for people with low reading skills. In the Games Room, we played a preview version of the Ombudsman Board Game. Will learning about

Ombudsman Ontario ever be this much fun?

We also ran a workshop on problem-solving. The focus was on problems that learners might have with government offices. Activities did not require strong reading skills.

One used a 3-D model of a real case. In small groups, the people at the workshop had to solve a complaint so that each side won. They used a model of a northern lake, complete with movable trees and cabins, to show their answer. All three groups solved the problem. The morning flew by, and everyone enjoyed the workshop and learned from it.



Partners with the Canadian Centre for Victims of Torture

In the fall of 1994, we began to work with the Canadian Centre for Victims of Torture (CCVT). The CCVT is a non-profit group that assists survivors of torture and their families in many ways. The Centre tries to open the eyes of the public to torture and its effects. It provides medical, legal and social care.

The Centre offers English as a Second Language, art therapy and children's programmes. It helps clients bring families back together, and deals with their immigration or housing needs. It also tries to help them find jobs or volunteer positions and showed a strong interest in being partners with Ombudsman Ontario.

For our part, we asked how we could make a difference. We decided to focus first on refugees who were finding it hard to get jobs or job experience in Canada.

All immigrants face barriers in a new country. Survivors of torture face many more. They may find it hard to even imagine an office with the power to look into complaints against government.

Two volunteers have made unique contributions to our organization. One helped us to inform her community. Another shared information about issues, culture and customs in his homeland. Each helped translate Ombudsman information.

In return, they received computer training, and help with résumés, letter writing, and job searches. One volunteer chose to stay for six months. The other was with us for almost a year. The newest volunteer has been learning computer and word-processing skills, while pulling together educational materials for us.

CCVT clients are not the only ones helped. This has been good for our staff. The volunteers are very generous. They help us spread the word about Ombudsman Ontario to their communities. They also show us what survivors need to resettle.

Many survivors of torture must leave behind their children, careers and homes. Yet, they can face discrimination here when looking for a job. This is true of any job, let alone one in their own field. Being so close, we see first-hand what happens.

Our involvement keeps growing. The CCVT has asked us for workshops to show its clients how to cut through red tape. All this gives us fresh opportunities to learn and to share information about our services.



MAILBAG

"It has been a long, tortuous road, but we honestly believe that the decisions made for the final dispensation are fair and just. We also very much appreciate your assistance in the matter of having the legal and management fees waived."

"I had faxed them twice previously and they had not responded. I recently retained a lawyer who also wrote them and they did not respond ... Thank you for alleviating my frustration."

"After my conversations with you ... I was certainly much better informed and I was impressed with how quickly you got the information."

"No matter what the outcome, I want you to know that I appreciate your help. You found a way through a very tall brick wall."

"You may not remember my name, but you took some action on my behalf ... and I could not let the year end without expressing my thanks! Keep up the good work!"

"I wish to convey my deepest gratitude for the involvement of Ombudsman Ontario on my behalf. Thank you from the bottom of my being for the excellent service I received. It is most heartening to have my issue validated and to feel that someone, somewhere hears me."

"It took your involvement to get this ball rolling; who knows where we would be if you hadn't pushed for me!"

"I regret that I had to take action through your office to receive any information or reaction from them. ... It seems remarkable that in less than 24 hours after your intervention, the problem could be solved."

"We felt for sure that there was no hope in our receiving any kind of compensation from this Government agency. Now, almost three years later we are nearing an end to what seemed to be a never ending claim. We would be remiss if we did not attribute a very large part of our success to you."

"Thank you for your visit and presentation to our managers today. You ... have opened the door to a positive understanding of the role of the Office of the Ombudsman."

"The information ... was both informative and valuable. It is important for the women to know that there is someone who cares about their problems and will assist them in finding a solution. Your enthusiasm and energy shows how much you enjoy helping others."

"Progress in the last five months has improved greatly over the Ministry movements in the last 19 years. This is a direct result of you and your office's assistance."

"All of the participants now feel informed and comfortable about discussing the purpose and capabilities of Ombudsman Ontario. Everyone was in agreement as to the importance of this type of knowledge of the services your office provides."

"It should be known that you have a recourse when fighting bureaucracy, that the Ombudsman Ontario Office is there for you and most often just the mention of such will, more often than not, bring parties together with an amiable agreement without you actually having to step in."



Letter from Dr. Herbert Sohn Chair of the Child and Family Services Review Board:

Imagine, if you will, that the Ombudsman has received a complaint about your agency and will conduct an investigation. This can be a chilling prospect, even for those confident about the skill, the objectivity, and fair practices of their agency. Uncertainties come to mind. Did your agency slip up somewhere?

Twice in recent memory, the Child and Family Services Review Board has been approached by the Ombudsman of Ontario as a result of a complaint. The Ombudsman is appreciated as a safeguard for the rights of all members of our society, and that appreciation prompted our acceptance.

Staff of the Ombudsman reacted in a supportive manner to our concerns. They demonstrated respect for our concerns about possible conflicts in legislation and our obligation to respect the privacy of all who might be mentioned in our files.

In one case, the Board was not found to have acted in an inappropriate or unreasonable manner. At the same time, the Ombudsman shared with our agency suggestions for improving our procedures.

Should the Ombudsman have occasion to visit the Board again, our positive experiences to-date likely will allay the uncertainties that we had in the past.

Some messages from provincial government officials:

"Thank you for the very professional way in which this matter was investigated and reported upon by your staff. You should be proud of them and their work."

"I would like to commend you on a very thorough and professional investigation. My staff and I were pleased to work with you, and I appreciate your keen interest in seeing that the Government of Ontario is fair, reasonable and just in its dealing with the citizens of our province."

OMBUDSMAN ONTARIO

Statement of Expenditures

For the Year Ended March 31, 1996

Expenditures	1995/96 Estimates \$	1995/96 Actual \$	1994/95 Actual \$
Salaries and Wages	5,740,900	5,472,947	5,481,765
Employee Benefits (Note 3)	745,200	815,266	761,041
Transportation and Communication	509,800	391,701	529,462
Services	1,879,100	1,921,315	1,919,305
Supplies and Equipment	273,400	325,121	455,487
	9,148,400	8,926,350	9,147,060
Less Miscellaneous Revenue	0	9,208	13,031
Total Expenditures	9,148,400	8,917,142	9,134,029

SEE ACCOMPANYING NOTES TO FINANCIAL STATEMENT.

Approved:

Roberta Jamieson

OMBUDSMAN

NOTES TO FINANCIAL STATEMENT MARCH 31, 1996

1. Accounting Policies

- Basis of accounting.* The Office uses a cash basis of accounting which, in the case of expenditures, is modified to allow an additional thirty days to pay for goods and services pertaining to the fiscal year just ended.
- Furniture, equipment and leasehold improvements.* Expenditures on furniture, equipment and leasehold improvements are expenses at the time of purchase.

2. Expenditure and Miscellaneous Revenue

Expenditures are made out of moneys appropriated therefor by the Legislature of the Province of Ontario. Miscellaneous revenue is deposited into the Consolidated Revenue Fund.

3. Pension Plan

The Office provides pension benefits for all its full-time employees through participation in the Public Service Pension Fund (PSPF) established by the Province of Ontario. The Ontario Public Service Employees' Union Pension Act, 1994 provides for a reduction of the employer's contributions to the PSPF for each of the three fiscal years ending 1995-1997. For the current fiscal year, the impact of these reductions on the Office's pension expense was a reduction of \$419,400. The Office's contribution related to the PSPF for the year was \$122,805 (1995 - \$84,009) and is included in employees benefits.

4. Subsequent Event

The Budget Estimates for Ombudsman Ontario have been reduced by 20 per cent from \$9,148,400 in 1995-96 to \$7,318,700 in 1996-97.

Office of the
Provincial Auditor
of Ontario



Bureau du
vérificateur provincial
de l'Ontario

Box 105, 15th Floor, 20 Dundas Street West, Toronto, Ontario M5G 2C2
B.P. 105, 15^e étage, 20, rue Dundas ouest, Toronto (Ontario) M5G 2C2
(416) 974-9866 Fax: (416) 327-9862

Auditor's Report

To the Ombudsman

I have audited the statement of expenditures of Ombudsman Ontario for the year ended March 31, 1996. This financial statement is the responsibility of that Office's management. My responsibility is to express an opinion on this financial statement based on my audit.

I conducted my audit in accordance with generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, this financial statement presents fairly, in all material respects, the expenditures of Ombudsman Ontario for the year ended March 31, 1996, in accordance with the accounting policies described in note 1 to the financial statement.

Toronto, Ontario
April 29, 1996

K.W. Leishman
K.W. Leishman, CA
Assistant Provincial Auditor

OMBUDSMAN'S PRESENTATIONS

Here are the places where the Ombudsman spoke or presented papers in 1995-96:

1995 APRIL:

ROTARY CLUB OF OAKVILLE
70th Anniversary
Oakville, Ontario

MAY:

MINISTRY OF THE ATTORNEY
GENERAL - ANTI-RACISM UNIT
Youth Bridging Racial Boundaries
Toronto, Ontario

OHSEWEKEN VETERAN'S
ASSOCIATION
Ohsweken, Ontario

A TRIBUTE TO SUSAN ENG,
FORMER CHAIR OF THE METRO
POLICE SERVICES BOARD
Toronto, Ontario

INTERPROVINCIAL ASSOCIATION
ON NATIVE EMPLOYMENT
19th Annual Conference
Scarborough, Ontario

THE 1995 GOVERNOR GENERAL'S
CANADIAN STUDY CONFERENCE
Saskatoon, Saskatchewan

WIKWEMIKONG FIRST NATION
Manitoulin Island, Ontario

WEST BAY FIRST NATION
Manitoulin Island, Ontario

JUNE:

NORTH YORK INTERAGENCY
AND COMMUNITY COUNCIL,
FAMILY SERVICE ASSOCIATION,
UNITED WAY OF GREATER
TORONTO
Access and Diversity Conference
North York, Ontario

ASSOCIATION OF CANADIAN
COLLEGE AND UNIVERSITY
OMBUDSPERSONS
Annual Conference
Waterloo, Ontario

SOUTH ASIAN FAMILY SUPPORT
SERVICES
Scarborough, Ontario

TD BANK
Access-Ability Day
Toronto, Ontario

LANGUAGE IMMERSION
PROGRAM
Ohsweken, Ontario

JULY:

SIoux LOOKOUT ANTI-RACISM
COMMITTEE
Sioux Lookout, Ontario

EAGLE LAKE FIRST NATION
Eagle River, Ontario

MAMO-WICHI-HETIWIN AREA
MANAGEMENT BOARD
Youth Conference
Minaki, Ontario

KENORA SENIORS' CENTRE
Kenora, Ontario

SEPTEMBER:

SIX NATIONS OF THE GRAND
RIVER AGRICULTURAL FAIR
Ohsweken, Ontario

SOCIETY FOR PROFESSIONALS
IN DISPUTE RESOLUTION
Annual Conference
Washington, D.C.

INTERNATIONAL PLOWING
MATCH
Ayr, Ontario

OCTOBER:

INTERNATIONAL OMBUDSMAN
INSTITUTE
IOI Board of Directors Meeting
The Hague, Netherlands

INSTITUTE OF SOCIAL STUDIES
"The Ombudsman and Human
Rights" Symposium
The Hague, Netherlands

NOVEMBER:

HAGERSVILLE HIGH SCHOOL
Hagersville, Ontario

NATIONAL OMBUDSMAN
CONFERENCE
Fredericton, New Brunswick

CANADIAN JUDICIAL COUNCIL
"Aspects of Equality: Rendering
Justice" Conference
Hull, Quebec

SERVICE DELIVERY IN THE 1990s
WORKSHOP
Windsor, Ontario

WALPOLE ISLAND FIRST
NATION
Walpole Island, Ontario

INFORMATION KENT
Tilbury, Ontario

THE WELL-COME CENTRE
Windsor, Ontario

DECEMBER:

WEST NIPISSING PUBLIC
SERVICES ASSOCIATION
Sturgeon Falls, Ontario

NIPISSING FIRST NATION
Nipissing First Nation, Ontario

CENTRE CULTUREL LES
COMPAGNONS
North Bay, Ontario

CONNECTIONS LUNCHEON
North Bay, Ontario

MINISTRY OF ECONOMIC
DEVELOPMENT AND TRADE
Employment Equity Conference
Toronto, Ontario

1996 JANUARY:

SOBERMAN, ISENBAUM &
COLOMBY
Women for Women Lecture Series
Toronto, Ontario

ALTERNATIVE DISPUTE
RESOLUTION CENTRE
Toronto, Ontario

CANADIAN UNION OF PUBLIC
EMPLOYEES
Human Rights Conference
Toronto, Ontario

UNIVERSITY WOMEN'S CLUB OF
NORTH YORK
North York, Ontario

MARCH:

CANADIAN HUMAN RIGHTS
COMMISSION AND THE ONTARIO
COUNCIL OF AGENCIES SERVING
IMMIGRANTS
Celebration of International
Women's Day
Toronto, Ontario

MUNICIPALITY OF METRO
TORONTO
Celebration of the International
Day for the Elimination of Racial
Discrimination
Toronto, Ontario

THE SOCIETY OF ONTARIO
ADJUDICATORS AND
REGULATORS EDUCATION
CENTRE
"The Ombudsman:
A Valuable Resource in Improving
Administrative Fairness"
Toronto, Ontario

Can we talk to your group?

Call or write to have Ombudsman Ontario speak to your group. It's free of charge! We'll tell you more about what we do. We'll also tell you how you can best communicate with government.

We speak your language

WE WILL HELP YOU IN ANY LANGUAGE. Ombudsman Ontario staff can speak or write in fifteen languages and information sheets are available in more than twenty. We will also arrange a translator if you need one. Some of our material is produced on computer disk and audio tape. We are also committed to the use of plain language to explain what we do and how we can help. For more information contact one of our offices listed on the back cover.

Appendix

The Appendix to this annual report contains further statistical information, detailed financial statements and an extensive collection of case summaries. Contact us for copies.





OMBUDSMAN ONTARIO DISTRICT OFFICES

1. **Kenora Office**
12-308 Second Street S.
Kenora, Ontario P9N 1G4
(807) 468-2851 (Tel)
468-2853 (Fax)
468-2972 (TTY)
1-800-417-3255
2. **London Office**
920 Commissioners Road E.
London, Ontario N5Z 3J1
(519) 668-0511 (Tel)
668-7187 (Fax)
668-7182 (TTY)
1-800-519-9070
3. **North Bay Office**
450 Main Street W. Unit #2
North Bay, Ontario P1B 2V2
(705) 476-5800 (Tel)
497-9931 (Fax)
476-4156 (TTY)
1-800-895-3422
4. **Ottawa Office**
227 Rideau Street
Ottawa, Ontario K1N 5X8
(613) 239-1487 (Tel)
239-1489 (Fax)
789-7386 (TTY)
1-800-721-9909
5. **Sault Ste. Marie Office**
143 Great Northern Rd.
Unit #2
Sault Ste. Marie,
Ontario P6B 4Y9
(705) 945-6914 (Tel)
945-6916 (Fax)
945-6884 (TTY)
1-800-303-8745
6. **Sudbury Office**
66 Elm Street, Suite #108
Sudbury, Ontario P3C 1R8
(705) 688-3116 (Tel)
688-3084 (Fax)
670-0328 (TTY)
1-800-583-8218
7. **Thunder Bay Office**
125 North Cumberland St.
Thunder Bay, Ontario P7A 4M4
(807) 345-9235 (Tel)
345-0378 (Fax)
346-9130 (TTY)
1-800-430-7663
8. **Timmins Office**
85 Pine St. S., Suite 108
Timmins, Ontario P4N 2K1
(705) 268-2161 (Tel)
268-8377 (Fax)
268-2885 (TTY)
1-800-459-4660
9. **Windsor Office**
101 Tecumseh Road West
Windsor, Ontario N8X 1E8
(519) 973-1314 (Tel)
973-1317 (Fax)
973-1401 (TTY)
1-800-592-1887
10. **Toronto Office:**
125 Queen's Park
Toronto, Ontario M5S 2C7
1-416-586-3300 (Tel)
586-3485 (Fax)
English:
1-800-263-1830 (Tel)
Français:
1-800-387-2620 (Tel)
1-416-586-3510 (TTY)



For more information

If you would like more information about Ombudsman Ontario or would like to file a complaint, call any of the District Offices on this page or contact the Toronto office:

125 Queen's Park
Toronto, Ontario
M5S 2C7
1-416-586-3300 (Tel)
586-3485 (Fax)

Toll free lines
English: 1-800-263-1830
Français: 1-800-387-2620
TTY line (hard of hearing and deaf):
1-416-586-3510

This annual report is available in English and French on both diskette and audio cassette.

It is also available in large print format.

